## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FIKES et al.

Appl. No. 09/458,302

Filed: December 10, 1999

For: Inducing Cellular Immune

Responses to Carcinoembryonic
Antigen Using Peptide and Nucleic

**Acid Compositions** 

Art Unit: 1644

Examiner: Schwadron, R.B.

Atty. Docket: 2060.0080005/HCC/PAG

## First Supplemental Information Disclosure Statement

RECEIVED

Commissioner for Patents Washington, D.C. 20231

MAR 2 4 2003

Sir:

**TECH CENTER 1600/2900** 

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

In accordance with 37 C.F.R. 1.98(a)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of the non-English language documents, Documents AM1, AP1, and AN2 cited on form PTO 1449:

Document AM1, Patent No. EP 0 226 513 is in the French language. It is believed that AM1 discloses HIV peptide derivatives. An English language abstract of document AM1 is attached as Document AS25;

Document AP1, Patent No. WO 92/21033 is in the German language. It is believed that AP1 discloses peptides which bind MHC class I and class II molecules. An English language abstract of document AP1 is located on page one of the document and another English language abstract is attached as Document AT25;

Document AN2, Patent No. WO 94/11738 is in the German language. It is believed that AN2 discloses peptides which bind MHC class I and class II molecules. An English language abstract of document AN2 is located on page one of the document and another English language abstract is attached as Document AR26.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Information Disclosure is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

FIKES *et al.* Appl. No. 09/458,302

- 3 -

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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APPLICATION NO. ATTY. DOCKET NO. 2060.0080005/HCC/PAC 09/458,302 FORM PTO-1449 APPLICANT FIKES et al. FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT FILING DATE GROUP 1644 December 10, 1999 U.S. PATENT DOCUMENTS EXAMINER DATE NAME CLASS SUB-FILING DATE DOCUMENT INITIAL CLASS NUMBER AA AB AC AD ΑE AF AG AΗ ΑI ΑJ FOREIGN PATENT DOCUMENTS EXAMINER COUNTRY CLASS SUB-TRANSLATION DOCUMENT DATE INITIAL CLASS NUMBER Yes No ALYes No AM Yes No AN Yes No Yes No ΑP OTHER (Including Author, Title, Date, Pertinent Pages, etc.) Hill, A., et al., "Characterization of two Epstein-Barr virus epitopes restricted by HLA-B7, " Eur. J. Immunol. 25:18-24, VCH Verlagsgesellschaft mbH (January 1995) AR 10 Hunt, D.F., et al., "Characterization of Peptides Bound to the Class I MHC AS 10 Molecule HLA-A2.1 by Mass Spectrometry, " Science 255:1261-1263, American Association for the Advancement of Science (March 1992) Ishioka, G.Y., et al., "Utilization of MHC Class I Transgenic Mice for Development of Minigene DNA Vaccines Encoding Multiple HLA-Restricted CTL AΤ <u>10</u> Epitopes, " J. Immunol. 162:3915-3925, The American Association of Immunologists (April 1999) DATE CONSIDERED EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next

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